

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE MF GLOBAL HOLDINGS LTD.  
INVESTMENT LITIGATION

Case No. 12-MD-2338 (VM)

JOSEPH DEANGELIS, *et al.*,

Plaintiffs,

- against -

Case No. 11-Civ-7866 (VM)

JON S. CORZINE, *et al.*,

Defendants.

**ECF CASE**

THIS DOCUMENT RELATES TO:

The Commodity Customer Class Action

**NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF THE SETTLEMENT  
BETWEEN THE FORMER COMMODITY FUTURES CUSTOMERS  
OF MF GLOBAL INC. AND THE CME GROUP**

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 23(e) and upon the contemporaneously-filed: (i) Memorandum of Law in Support of Motion for Preliminary Approval of the Settlement Between the Former Commodity Futures Customers of MF Global Inc. and the CME Group (the “Memorandum of Law”); and (ii) Declaration of Merrill G. Davidoff in Support of Motion for Preliminary Approval of the Settlement Between the Former Commodity Futures Customers of MF Global Inc. and the CME Group,<sup>1</sup> and exhibit thereto (the “Davidoff Declaration and Exhibit”), as well as all prior pleadings and proceedings

<sup>1</sup> “CME Group” includes CME Group Inc. and Chicago Mercantile Exchange Inc.

in the consolidated class actions on behalf of former commodity futures customers (the “Customers”) of MF Global Inc. (“MFGI”), the Customer Representatives<sup>2</sup> will move this Court before the Honorable Victor Marrero, United States District Judge, in Courtroom 20B, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on a date and at a time designated by the Court, for entry of an Order Granting Preliminary Approval of the Settlement Between the Former Commodity Futures Customers of MF Global Inc. and the CME Group, Approving Notice Through the SIPA Proceeding, and Setting a Hearing Date for Final Approval, substantially in the form of the proposed order attached as Exhibit 4 to the Settlement Agreement attached as Exhibit A to the Davidoff Declaration and Exhibit (the “Preliminary Approval Order”).

As detailed in the Memorandum of Law, the Customer Representatives seek approval of the January 29, 2014 settlement (the “Settlement”) between the Customers and CME Group which provides for CME Group to direct that \$14,500,000 of the CME Claim (the “Distribution Fund”) be distributed in accordance with the settlement in exchange for a mutual release of all claims. The Customer Representatives further seek approval for the distribution of the Distribution Fund (less any attorneys’ fees and expenses awarded by the Court, taxes, and notice and administration costs (the “Net Distribution Fund”)), by James W. Giddens (the “Trustee”), Trustee for the liquidation of MFGI pursuant to the Securities Investor Protection Act of 1970, 15 U.S.C. §§78aaa *et seq.* (the “SIPA Proceeding”), to the settlement class (the “Settlement Class”) certified by this Court in connection with the settlement with JPMorgan Chase Bank, N.A. (the “JPMC Settlement”) by Order dated March 28, 2013 (the “JPMC Settlement Order”) (ECF No. 474), in conjunction with the payment of the Customer Representatives’ unpaid net

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<sup>2</sup> The Customer Representatives are Paradigm Global Fund I Ltd. and Kay P. Tee, LLC, *et al.*

equity claims pursuant to the October 2, 2013 settlement between the Customer Representatives and the Trustee – preliminarily approved by the Court by order dated December 20, 2013 – under which the participating Customers assigned their litigation claims against the Defendants to the Trustee in exchange for an advance of estate funds to pay Customers 100% of their net equity claims.

The Trustee supports the motion, the accompanying memorandum of law, and entry of the foregoing orders.

If approved by the Court pursuant to the Preliminary Approval Order, the Trustee’s professionals will mail or cause to be mailed the Notice of the Settlement Between the Former Commodity Futures Customers of MF Global Inc. and the CME Group, substantially in the form attached as Exhibit 3 to the Settlement Agreement (the “Notice”), to all Customers comprising the Settlement Class and will make the following materials available to Customers at <http://dm.epiq11.com/MFG/Project>: (i) this notice of motion; (ii) the executed Preliminary Approval Order; (iii) the Memorandum of Law; and (iv) the Davidoff Declaration and Exhibit.

Dated: January 29, 2014

**ENTWISTLE & CAPPUCCI LLP**

**BERGER & MONTAGUE, P.C.**

/s/ Andrew J. Entwistle

Andrew J. Entwistle  
Robert Cappucci  
Joshua K. Porter  
280 Park Avenue, 26th Floor West  
New York, New York 10017  
Telephone: (212) 894-7200  
Facsimile: (212) 894-7272

/s/ Merrill G. Davidoff

Merrill G. Davidoff  
Michael Dell'Angelo  
David A. Langer  
1622 Locust Street  
Philadelphia, Pennsylvania 19103  
Telephone: (215) 875-3000  
Facsimile: (215) 875-4604

*Co-Lead Counsel for the Plaintiff Customer Representatives*